

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA  
LYNCHBURG DIVISION**

<b>UNITED STATES OF AMERICA,</b>	)	<b>Criminal Case No. 6:12cr00013-4</b>
	)	
<b>v.</b>	)	<b><u>ORDER</u></b>
	)	
<b>PIERRE PENNIX,</b>	)	<b>By: Norman K. Moon</b>
<b>Petitioner.</b>	)	<b>United States District Judge</b>

In accordance with the memorandum opinion entered this day, it is hereby **ORDERED** that Pennix's motion to vacate, set aside, or correct sentence pursuant to 28 U.S.C. § 2255 (Docket No. 223) is **DISMISSED without prejudice** as successive and this action is **STRICKEN** from the active docket.

Further, finding that Pennix has failed to make a substantial showing of the denial of a constitutional right as required by 28 U.S.C. § 2253(c), a certificate of appealability is **DENIED**.

ENTER: This 7<sup>th</sup> day of September, 2016.

  
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NORMAN K. MOON  
UNITED STATES DISTRICT JUDGE